

EXHIBIT 13

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	Document Description	Start	End
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Specification	2	3
	Claims	4	14
	Applicant Arguments/Remarks Made in an Amendment	15	20

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Case No. 07-0901-CON0419B

In re Application of:

Sonos, Inc.

Serial No.: 16/383,565

Filing Date: April 12, 2019

Title: Zone Scene Management

Confirmation No.: 5746

Examiner: McCord, Paul C.

Group Art Unit: 2656

RESPONSE TO NON-FINAL OFFICE ACTION
MAILED JULY 5, 2019, 2019

In response to the Non-Final Office Action mailed July 5, 2019, Applicant submits the following amendments and remarks.

Claim Amendments begin at page 2.

Claim Amendments begin at page 4.

Remarks begin at page 15.

Applicant believes that all fees required for the present response have been filed during the electronic filing process. Applicant authorizes the office to charge any underpayment or credit any overpayment to Deposit Account No. 506632, and to treat any filing in this matter that requires an extension of time as incorporating a request for the extension.

SPECIFICATION AMENDMENTS

- Please amend current paragraphs [0026] and [0027] of the specification as indicated below.

[0026] FIG. 5C shows a user interface to allow a user to adjust a volume level of the zone players in a zone scene individually or collectively; and

[0027] FIG. 6 shows a flowchart or process of providing a player theme or a zone scene for a plurality of players, where one or more of the players are placed in a zone; and [.]

- Please insert the following new paragraphs into the specification immediately after current paragraph [0027] and update all subsequent paragraph numbers. The described Figures 7 and 8 are attached, each bearing the label “New Sheet” in the top margin.

[0028] FIG. 7 shows an example user interface for invoking a zone scene; and

[0029] FIG. 8 shows another example user interface for invoking a zone scene.

- Please amend current paragraph [0060] of the specification as indicated below, which will become paragraph [0062] to reflect the new paragraphs [0028] and [0029] above.

[0062] FIG. 5B shows another user interface 520 to allow a user to form a scene. The user interface 520 that may be displayed on a controller or a computing device, lists available zones in a system. The list of zones in the user interface 520 includes ALL the zones in the system, including the zones that are already grouped. A checkbox is provide next to each of the zones so that a user may check in the zones to be associated with the scene.

- Please insert the following new paragraphs into the specification immediately after current paragraph [0066], which will become paragraph [0068] to reflect the new paragraphs [0028] and [0029] above.

[0069] FIG. 7 shows an example user interface for invoking a zone scene. The user interface of Figure 7 shows a Zone Menu that includes selectable indications of zone scenes.

[0070] FIG. 8 shows another example user interface for invoking a zone scene. Figure 8 shows a Zone Menu that includes a softkey indicating a Scenes menu. Pressing the Scenes softkey will show the Scenes menu where all the available zone scenes are shown as selectable indications.

CLAIM AMENDMENTS

1. (Currently Amended) A computing device comprising:
one or more processors;
a non-transitory computer-readable medium; and
program instructions stored on the non-transitory computer-readable medium that, when executed by the one or more processors, cause the computing device to perform functions comprising:

while serving as a controller for a networked media playback system ~~having a plurality of zones that each comprise~~comprising a first zone player and at least ~~one playback device~~two other zone players, ~~wherein the first zone player is operating in a standalone mode in which the first zone player is configured to play back media individually~~:

receiving a first request to create a first zone scene comprising a first ~~preconfigured-predefined~~ grouping of ~~zones~~-zone players including at least ~~a~~ the first zone player and a second zone player that are to be configured for synchronous playback of media when the first zone scene is invoked;

based on the first request, i) causing creation of the first zone scene, ~~and~~ ii) causing an indication of the first zone scene to be transmitted to the first zone player, and iii) causing storage of the first zone scene;

receiving a second request to create a second zone scene comprising a second ~~preconfigured-predefined~~ grouping of ~~zones~~-zone players including at least the first zone player and a third zone player that are to be configured for

synchronous playback of media when the second zone scene is invoked, wherein the third zone player is different than the second zone player;

based on the second request, i) causing creation of the second zone scene, and ii) causing an indication of the second zone scene to be transmitted to the first zone player, and iii) causing storage of the second zone scene;

displaying a representation of the first zone scene and a representation of the second zone scene; and

while displaying the representation of the first zone scene and the representation of the second zone scene, receiving a third request to invoke the first zone scene; and

based on the third request, causing the first zone scene to be invoked such that the first zone player to transition from operating in the standalone mode to operating in accordance with the first predefined grouping of zone players such that the first zone player is configured to coordinate with at least and the second zone become configured for synchronous playback of media player to play back media in synchrony with at least the second zone player.

2. (Currently Amended) The computing device of claim 1, further comprising program instructions stored on the non-transitory computer-readable medium that, when executed by the one or more processors, cause the computing device to perform functions comprising:

while the first zone player is configured to coordinate with at least and the second zone player to play back media in synchrony with at least the second zone player are configured for synchronous playback of media, receiving a fourth request to invoke the second zone scene; and

based on the fourth request, causing the first zone player to (a) cease to operate in accordance with the first predefined grouping of zone players such that the first zone player is no longer configured to coordinate with at least the second zone player to play back media in synchrony with at least the second zone player and (b) begin to operate in accordance with the second predefined grouping of zone players ~~second zone scene to be invoked~~ such that the first zone player is configured to coordinate with at least ~~and the third zone become configured for synchronous playback of media while the first zone and the second zone become unconfigured for synchronous playback of media~~ player to play back media in synchrony with at least the third zone player.

3. (Original) The computing device of claim 1, wherein causing storage of the first zone scene comprises causing storage of the first zone scene at a location other than the computing device, and wherein causing storage of the second zone scene comprises causing storage of the second zone scene at the location other than the computing device.

4. (Currently Amended) The computing device of claim 3, wherein the location other than the computing device comprises a ~~playback device zone player~~ of the first predefined grouping of zone ~~players~~.

5. (Currently Amended) The computing device of claim 1, wherein the first zone scene further comprises an indication of predetermined media to be played when the first zone scene is invoked, and wherein the computing device further comprises program instructions stored on the

non-transitory computer-readable medium that, when executed by the one or more processors, cause the computing device to perform functions comprising:

based on the third request, causing the first zone ~~player to coordinate with at least and the second zone player to synchronously play back the predetermined media in synchrony with at least the second zone player.~~

6. (Currently Amended) The computing device of claim 1, wherein the first ~~preconfigured predefined grouping of zones-zone players~~ does not include the third zone ~~player~~, and wherein the second ~~preconfigured-predefined grouping of zones-zone players~~ does not include the second zone ~~player~~.

7. (Original) The computing device of claim 1, further comprising program instructions stored on the non-transitory computer-readable medium that, when executed by the one or more processors, cause the computing device to perform functions comprising:

before displaying the representation of the first zone scene and the representation of the second zone scene, receiving, from another device over a data network, data defining the first zone scene and data defining the second zone scene.

8. (Original) The computing device of claim 1, wherein receiving the first request comprises receiving a first set of one or more inputs via a user interface of the computing device, wherein receiving the second request comprises receiving a second set of one or more inputs via the user interface, and wherein receiving the third request comprises receiving a third set of one or more inputs via the user interface.

9. (Currently Amended) A non-transitory computer-readable medium, wherein the non-transitory computer-readable medium is provisioned with program instructions that are executable to cause a computing device to perform functions comprising:

while serving as a controller for a ~~networked~~ media playback system ~~having a plurality of zones that each comprise~~ comprising a first zone player and ~~at least one playback device~~ ~~two other zone players~~, wherein the first zone player is operating in a standalone mode in which the first zone player is configured to play back media individually:

receiving a first request to create a first zone scene comprising a first ~~preconfigured-predefined~~ grouping of ~~zones~~ zone players including at least ~~a~~ the first zone player and a second zone player that are to be configured for synchronous playback of media when the first zone scene is invoked;

based on the first request, i) causing creation of the first zone scene, ~~and~~ ii) causing an indication of the first zone scene to be transmitted to the first zone player, and iii) causing storage of the first zone scene;

receiving a second request to create a second zone scene comprising a second ~~preconfigured-predefined~~ grouping of ~~zones~~ zone players including at least the first zone player and a third zone player that are to be configured for synchronous playback of media when the second zone scene is invoked, wherein the third zone player is different than the second zone player;

based on the second request, i) causing creation of the second zone scene, ~~and~~ ii) causing an indication of the second zone scene to be transmitted to the first zone player, and iii) causing storage of the second zone scene;

displaying a representation of the first zone scene and a representation of the second zone scene; and

while displaying the representation of the first zone scene and the representation of the second zone scene, receiving a third request to invoke the first zone scene; and based on the third request, causing the ~~first zone scene to be invoked such that the first zone player to transition from operating in the standalone mode to operating in accordance with the first predefined grouping of zone players such that the first zone player is configured to coordinate with at least and the second zone become configured for synchronous playback of media player to play back media in synchrony with at least the second zone player.~~

10. (Currently Amended) The non-transitory computer-readable medium of claim 9, wherein the non-transitory computer-readable medium is also provisioned with program instructions stored on the non-transitory computer-readable medium that, when executed by the one or more processors, cause the computing device to perform functions comprising:

while the first zone player is configured to coordinate with at least and the second zone player to play back media in synchrony with at least the second zone player are configured for synchronous playback of media, receiving a fourth request to invoke the second zone scene; and based on the fourth request, causing the ~~first zone player to (a) cease to operate in accordance with the first predefined grouping of zone players such that the first zone player is no longer configured to coordinate with at least the second zone player to play back media in synchrony with at least the second zone player and (b) begin to operate in accordance with the second predefined grouping of zone players second zone scene to be invoked such that the first zone player is configured to coordinate with at least and the third zone become configured for~~

~~synchronous playback of media while the first zone and the second zone become unconfigured for synchronous playback of media~~ player to play back media in synchrony with at least the third zone player.

11. (Original) The non-transitory computer-readable medium of claim 9, wherein causing storage of the first zone scene comprises causing storage of the first zone scene at a location other than the computing device, and wherein causing storage of the second zone scene comprises causing storage of the second zone scene at the location other than the computing device.

12. (Currently Amended) The non-transitory computer-readable medium of claim 11, wherein the location other than the computing device comprises a ~~playback device~~ zone player of the first predefined grouping of zone players.

13. (Currently Amended) The non-transitory computer-readable medium of claim 9, wherein the first zone scene further comprises an indication of predetermined media to be played when the first zone scene is invoked, and wherein the non-transitory computer-readable medium is also provisioned with program instructions stored on the non-transitory computer-readable medium that, when executed by the one or more processors, cause the computing device to perform functions comprising:

based on the third request, causing the first zone player to coordinate with at least ~~and~~ the second zone player to ~~synchronously~~ play back the predetermined media ~~in synchrony with at least the second zone player~~.

14. (Currently Amended) The non-transitory computer-readable medium of claim 9, wherein the first ~~preconfigured-predefined~~ grouping of ~~zones-zone players~~ does not include the third zone player, and wherein the second ~~preconfigured-predefined~~ grouping of ~~zones-zone players~~ does not include the second zone player.

15. (Original) The non-transitory computer-readable medium of claim 9, wherein the non-transitory computer-readable medium further comprises program instructions stored on the non-transitory computer-readable medium that, when executed by the one or more processors, cause the computing device to perform functions comprising:

before displaying the representation of the first zone scene and the representation of the second zone scene, receiving, from another device over a data network, data defining the first zone scene and data defining the second zone scene.

16. (Original) The non-transitory computer-readable medium of claim 9, wherein receiving the first request comprises receiving a first set of one or more inputs via a user interface of the computing device, wherein receiving the second request comprises receiving a second set of one or more inputs via the user interface, and wherein receiving the third request comprises receiving a third set of one or more inputs via the user interface.

17. (Currently Amended) A method executed by a computing device, the method comprising: while serving as a controller for a ~~networked~~ media playback system ~~having a plurality of zones that each comprise~~ comprising a first zone player and at least one playback device ~~two~~

other zone players, wherein the first zone player is operating in a standalone mode in which the first zone player is configured to play back media individually;

receiving a first request to create a first zone scene comprising a first preconfigured-predefined grouping of zones-zone players including at least the first zone player and a second zone player that are to be configured for synchronous playback of media when the first zone scene is invoked;

based on the first request, i) causing creation of the first zone scene, and ii) causing an indication of the first zone scene to be transmitted to the first zone player, and iii) causing storage of the first zone scene;

receiving a second request to create a second zone scene comprising a second preconfigured-predefined grouping of zones-zone players including at least the first zone player and a third zone player that are to be configured for synchronous playback of media when the second zone scene is invoked, wherein the third zone player is different than the second zone player;

based on the second request, i) causing creation of the second zone scene, and ii) causing an indication of the second zone scene to be transmitted to the first zone player, and iii) causing storage of the second zone scene;

displaying a representation of the first zone scene and a representation of the second zone scene; and

while displaying the representation of the first zone scene and the representation of the second zone scene, receiving a third request to invoke the first zone scene; and based on the third request, causing the first zone scene to be invoked such that the first zone player to transition from operating in the standalone mode to operating in accordance with

the first predefined grouping of zone players such that the first zone player is configured to coordinate with at least and the second zone become configured for synchronous playback of media player to play back media in synchrony with at least the second zone player.

18. (Currently Amended) The method of claim 17, further comprising:

while the first zone player is configured to coordinate with at least and the second zone player to play back media in synchrony with at least the second zone player are configured for synchronous playback of media, receiving a fourth request to invoke the second zone scene; and based on the fourth request, causing the first zone player to (a) cease to operate in accordance with the first predefined grouping of zone players such that the first zone player is no longer configured to coordinate with at least the second zone player to play back media in synchrony with at least the second zone player and (b) begin to operate in accordance with the second predefined grouping of zone players second zone scene to be invoked such that the first zone player is configured to coordinate with at least and the third zone become configured for synchronous playback of media while the first zone and the second zone become unconfigured for synchronous playback of media player to play back media in synchrony with at least the third zone player.

19. (Original) The method of claim 17, wherein causing storage of the first zone scene comprises causing storage of the first zone scene at a location other than the computing device, wherein causing storage of the second zone scene comprises causing storage of the second zone scene at the location other than the computing device.

20. (Currently Amended) The method of claim 19, wherein the location other than the computing device comprises a ~~playback-devicezone~~ player of the first ~~predefined grouping of zone~~ players.

REMARKS

1. Summary of the Office Action

In the Non-Final Office action dated July 5, 2019, (“the Action”) the Examiner rejected claim 1-20 under 35 U.S.C. § 103 as allegedly being unpatentable over Yamaha DME Designer Version 3.5 Owner’s Manual (“the DME Manual”).

2. Summary of Examiner Interview

A telephonic Examiner Interview took place on August 5, 2019. Participants included Examiner Paul McCord and Applicant’s representative Brandon Kennedy. During the interview, the participants discussed the rejections of the claims as well as suggested amendments to the claims. No agreement regarding allowance was reached. Applicant thanks the Examiner for his time in conducting the interview.

3. Amendment to the Specification

In the present response, pursuant to 37 CFR 1.57(g), Applicant inserts material into the specification and figures that was previously incorporated by reference in this application, and the amendment contains no new matter. In particular, the inserted material can be found at least at pp. 5-6 and 17 of Appendix A to provisional application 60/825,407, the entirety of which was incorporated by reference on the filing date of this application.

4. Status of the Claims

Without conceding the merits of the claim rejections, Applicant has amended claims 1, 2, 4-6, 9, 10, 12-14, 17, 18, and 20. Claims 1-20 are pending, of which claims 1, 9, and 17 are independent and the remainder are dependent. Support for the claim amendments can be found

generally throughout Applicant's specification. No new matter has been added by way of these amendments.

5. Response to Rejections of Claims 1-20 under 35 U.S.C. § 103

As noted above, the Examiner rejected independent claims 1, 9, and 17 under § 103 as unpatentable over the DME Manual. In doing so, the Examiner admitted that "DME does not explicitly teach the inclusion, exclusion, etc. of particular enumerated first, second, etc. players of the set of available players to form, create, save, recall etc. a particular first, second, etc. grouping." Action at p. 4. However, the Examiner continued that "Examiner takes official notice that the grouping and sub-grouping of a constellation of audio players to include or disclude particular players from an operational set was well known in the art before the effective filing date of the instant invention and would have been an obvious inclusion." *Id.* Applicant respectfully disagrees, and submits that the DME Manual does not teach at least:

"while serving as a controller for a networked media playback system . . . wherein the first zone player is operating in a standalone mode . . .:

receiving a first request to create a first zone scene . . .;

based on the first request, i) causing creation of the first zone scene, ii) causing an indication of the first zone scene to be transmitted to the first zone player . . .;

receiving a second request to create a second zone scene . . .;

based on the second request, i) causing creation of the second zone scene, ii) causing an indication of the second zone scene to be transmitted to the first zone player . . .; and

based on the third request, causing the first zone player to transition from operating in the standalone mode to operating in accordance with the first predefined grouping of zone players. . ."

in combination with the other elements of amended claims 1, 9, and 17. Further, the subject matter that the Examiner contends was "well known in the art before the effective filing date" does not correspond to that which is missing from the DME Manual. Moreover, the Action does not provide

any documentary evidence to support the finding of official notice, and the Applicant respectfully traverses the official notice on this basis. MPEP 2144.03.

In the Action, the Examiner construed a “DME unit” or an “SP2060 unit” in the DME Manual to the playback device (currently amended to the first zone player) found in Applicant’s claims. *See e.g.*, Action at p. 3. With respect to the DME and SP2060 units, the DME Manual states that “[a] group of DME or SP2060 units assigned to the same function are considered a ‘Device Group’.” DME Manual at p. 3.

Further, the DME Manual states that “it is possible to have multiple Zones in an Area, multiple Device Groups in a Zone, and multiple Scenes and Configurations in a Device Group.” *Id.* at p. 5. Thus, with reference to the hierarchy shown graphically at p. 3, a scene in the context of the DME Manual (a “DME Scene”) is created and applied at the level of a device group.

However, individual devices in the DME system (i.e, individual DME units or SP2060 units) cannot be assigned to multiple device groups or overlapping device groups. “A zone can include up to 32 device groups, and all devices will belong to one of those groups. Click [Device Group Manager] in the [Tools] menu to open tile ‘Device Group Manager’ window, via which device groups can be changed as required.” *Id.* at p. 281 (emphasis added). Thus, DME Scenes can be configured/stored/recalled within a given DME device group that is already established—but the DME Manual does not suggest that recalling a DME Scene can re-group individual devices into different DME device groups.

Further, Applicant has also reviewed the Takemura reference (US Pub. 2005/0195999) that was cited by the Examiner in co-pending application 15/130,919 and raised in the Examiner Interview on August 5. Takemura discusses components of the DME system that are referred to in the DME Manual, but with some changes in terminology that that Applicant will highlight for

the sake of clarity. For example, echoing the DME Manual, Takemura states that “a group of the mixer engines (or a mixer engine) cooperatively operated in the audio signal processing is defined as a zone.” Takemura at [0090]. Thus, the smallest grouping in individual unit(s) in the DME system, referred to as a “device group” in the DME Manual, is instead referred to as a “zone” in Takemura.

During the interview, the Examiner pointed to Figure 7 of Takemura and suggested that it may teach the elements found in Applicant’s claims. However, Applicant has reviewed Takemura and respectfully submits that Takemura also does not teach the limitations that are missing from DME.

For example, like the DME Manual, Takemura is clear that “one mixer engine never belongs to the plural zones in the same area.” Takemura at [0091]. Similarly, Takemura teaches that a mixer engine E1 “stores only the current scene concerning the zone to which the engine E1 currently belongs since the engine E1 never belongs to the plural zones concurrently.” *Id.* at [0124]. Further, Figure 6 of Takemura shows a data storage diagram (“stored on the PC side”) that illustrates each zone in a given area having, as a subset of the data stored for the zone, its own scene data. Thus, consistent with the DME Manual, a “scene” in Takemura deals with component configuration(s) and parameter(s) within an established grouping of mixer engine(s), such as the group shown in Figure 4 of Takemura.

Consequently, Takemura also does not teach that recalling a scene can re-group individual engines. Indeed, changing between the illustrated zone groupings of “Area 1” and “Area 2” in Figure 7 of Takemura is not accomplished via a scene recall in Takemura. Nor does the process for changing between such zone groupings as discussed in Takemura correspond to Applicant’s amended claims in any event. For example, Takemura states “[w]hen the user selects an area in

the navigate window 60 described above to instruct a change to this area, the PC 30 performs processing associated with the area change. However, this processing includes transferring zone data on the new area to the mixer engines in the mixer system and other processing, which require a certain length of time . . . The above-described processing associated with the area change is shown in the flowchart in FIG. 12.” Takemura at [0136], [0138].

At most, Takemura teaches that the different groupings of mixing engines shown in Figure 7 may be stored at the PC 30 of Takemura. But Takemura only discusses “transferring zone data on the new area to the mixer engines in the mixer system” when a user instructs the system to complete the area change. *Id.* Nowhere does Takemura teach or suggest a computing device that is capable of:

“while serving as a controller for a networked media playback system . . . wherein the first zone player is operating in a standalone mode . . .:

receiving a first request to create a first zone scene . . .;
based on the first request, i) causing creation of the first zone scene,
ii) causing an indication of the first zone scene to be transmitted to the first
zone player . . .;

receiving a second request to create a second zone scene . . .;
based on the second request, i) causing creation of the second zone
scene, ii) causing an indication of the second zone scene to be transmitted
to the first zone player . . .; and

based on the third request, causing the first zone player to transition from
operating in the standalone mode to operating in accordance with the first
predefined grouping of zone players . . .”

Applicant has also reviewed the Cobranet and Ethersound references mentioned by the Examiner during the interview and respectfully submits that they also do not teach the limitations discussed above that are absent from DME and Takemura.

Because DME does not teach every element of independent claims 1, 9, and 17, the DME Manual does not render claims 1, 9, and 17 unpatentable. Consequently, Applicant requests withdrawal of the § 103 rejections of claims 1, 9, and 17 over the DME Manual, and submits that

claims 1, 9, and 17 should be allowed. Further, Applicant submits that dependent claims 2-8, 10-16, and 18-20 should be allowed as well for at least the reason that they each depend from an allowable independent claim.

6. Conclusion

For at least the foregoing reasons, Applicant submits that the claims are in condition for allowance. Applicant thus respectfully requests favorable reconsideration and allowance of the claims. Applicant does not acquiesce in any assertion by the Examiner that is not expressly addressed by these remarks. Should the Examiner wish to discuss this case, the Examiner is encouraged to call the undersigned at (312) 754-9315.

Respectfully submitted,

**LEE SULLIVAN SHEA &
SMITH LLP**

Date: August 23, 2019

By: Brandon J. Kennedy/
Brandon J. Kennedy
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